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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0332-IWD-E **TCEQ ID:** RN102157609 **CASE NO.:** 32867
RESPONDENT NAME: MeadWestvaco Texas, L.P.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Westvaco Texas Evadale Mill, located one mile south of Farm-to-Market Road 2246 and one mile southeast of the Town of Evadale, Jasper County</p> <p>TYPE OF OPERATION: Pulp and paper mill</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 13, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. Harvey Wilson, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-0321; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Jim Gresham, Manager, MeadWestvaco Texas, L.P., P.O. Box 816, Silsbee, Texas 77656 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 6, 2007</p> <p>Date of NOE Relating to this Case: February 28, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation. One violation was documented.</p> <p>WATER</p> <p>Failure to comply with permit effluent limits [Permit No. WQ0000493000, Effluent Limitations and Monitoring Requirements, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$12,525</p> <p>Total Deferred: \$2,505 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$5,010</p> <p>Total Paid to General Revenue: \$5,010</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See Attachment A)</p> <p>2) The Order will also require the Respondent to, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of Permit No. WQ0000493000.</p>

Attachment A
Docket Number: 2007-0332-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: MeadWestvaco Texas, L.P.

Payable Penalty Amount: Ten Thousand Twenty Dollars (\$10,020)

SEP Amount: Five Thousand Ten Dollars (\$5,010)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Wastewater Treatment Assistance

Location of SEP: Jasper County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES	Assigned	5-Mar-2007
	PCW	7-Mar-2007
	Screening	6-Mar-2007
	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	MeadWestvaco Texas, L.P.		
Reg. Ent. Ref. No.	RN102157609		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	32867	No. of Violations	1
Docket No.	2007-0332-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Harvey Wilson
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$7,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 67% Enhancement **Subtotals 2, 3, & 7** \$5,025

Notes
A 67% enhancement is recommended based on the respondent having had one 1660 Agreed Order, 8 self-reported effluent violations, 1 NOV for a violation that was the same or similar to the self-reported violations, 2 NOVs for violations that are not the same or similar, and two notices of intent to conduct audits.

Culpability No 0% Enhancement

Subtotal 4 \$0

Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction

Subtotal 5 \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes
The Respondent does not meet the good faith criteria.

Total EB Amounts	\$177	0% Enhancement*
Approx. Cost of Compliance	\$2,500	*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$12,525

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$12,525

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$12,525

DEFERRAL

20%

Reduction

Adjustment -\$2,505

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$10,020

Screening Date 6-Mar-2007

Docket No. 2007-0332-IWD-E

PCW

Respondent MeadWestvaco Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 32867

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102157609

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	9	45%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 67%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

A 67% enhancement is recommended based on the respondent having had one 1660 Agreed Order, 8 self-reported effluent violations, 1 NOV for a violation that was the same or similar to the self-reported violations, 2 NOVs for violations that are not the same or similar, and two notices of Intent to conduct audits.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 67%

Screening Date 6-Mar-2007

Docket No. 2007-0332-IWD-E

PCW

Respondent MeadWestvaco Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 32867

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102157609

Media [Statute] Water Quality

Enf. Coordinator Harvey Wilson

Violation Number 1

Rule Cite(s) Permit No. WQ0000493000, Effluent Limitations and Monitoring Requirements, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with permit effluent limits. See the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

91 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

Three quarterly events are recommended (two quarters for Outfall 002 and one quarter for Outfall 001).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$177

Violation Final Penalty Total \$12,525

This violation Final Assessed Penalty (adjusted for limits) \$12,525

Economic Benefit Worksheet

Respondent MeadWestvaco Texas, L.P.

Case ID No. 32867

Reg. Ent. Reference No. RN102157609

Media Water Quality

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,500	1-Jun-2006	30-Oct-2007	1.4	\$177	n/a	\$177

Notes for DELAYED costs

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. The Date Required is the day the noncompliance started. The Final Date is the expected compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$177

Effluent Discharge Table

Month, Year	Outfall 002A Total Organic Carbon Daily Max 70 mg/L	Outfall 002A Oil & Grease Daily Max 15 mg/L	Outfall 001A Flow Daily Max 75
June, 2006	384	130	C
October, 2006	C	C	87.5
November, 2006	106	C	C

Compliance History

Customer/Respondent/Owner-Operator: CN601549496 MeadWestvaco Texas, L.P. Classification: AVERAGE Rating: 2.27
 Regulated Entity: RN102157609 WESTVACO TEXAS EVADALE MILL Classification: AVERAGE Site Rating: 1.49
 ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	JC0003K
AIR OPERATING PERMITS	PERMIT	1265
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1210050
WASTEWATER	PERMIT	WQ0000493000
WASTEWATER	PERMIT	TPDES0003891
WASTEWATER	PERMIT	TX0003891
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000821223
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30261
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	24829
AIR NEW SOURCE PERMITS	PERMIT	7255
AIR NEW SOURCE PERMITS	PERMIT	8738
AIR NEW SOURCE PERMITS	PERMIT	20365
AIR NEW SOURCE PERMITS	PERMIT	33941
AIR NEW SOURCE PERMITS	PERMIT	38692
AIR NEW SOURCE PERMITS	PERMIT	38970
AIR NEW SOURCE PERMITS	PERMIT	43178
AIR NEW SOURCE PERMITS	PERMIT	44406
AIR NEW SOURCE PERMITS	PERMIT	49029
AIR NEW SOURCE PERMITS	PERMIT	49711
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JC0003K
AIR NEW SOURCE PERMITS	REGISTRATION	75618
AIR NEW SOURCE PERMITS	AFS NUM	4824100001
AIR NEW SOURCE PERMITS	PERMIT	PSDTX962
AIR NEW SOURCE PERMITS	REGISTRATION	70229
AIR NEW SOURCE PERMITS	REGISTRATION	70297
AIR NEW SOURCE PERMITS	REGISTRATION	70534
AIR NEW SOURCE PERMITS	EPA ID	PSDTX785M5
AIR NEW SOURCE PERMITS	PERMIT	50799
AIR NEW SOURCE PERMITS	PERMIT	50800
AIR NEW SOURCE PERMITS	PERMIT	50801
AIR NEW SOURCE PERMITS	PERMIT	50802
AIR NEW SOURCE PERMITS	PERMIT	50803
AIR NEW SOURCE PERMITS	EPA ID	PSDTX785M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX962
AIR NEW SOURCE PERMITS	REGISTRATION	77134
AIR NEW SOURCE PERMITS	EPA ID	PSDTX785M7
AIR NEW SOURCE PERMITS	REGISTRATION	78649
AIR NEW SOURCE PERMITS	REGISTRATION	80814
WATER LICENSING	LICENSE	1210050
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30261

Location: one mile south of Farm-to-Market Road 2246 and one mile southeast of the Town of Evadale, Jasper County, Texas Rating Date: 9/1/2006. Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: April 03, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 02, 2002 to April 02, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Harvey Wilson Phone: 239-0321

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? MeadWestvaco Texas, L.P.
4. If Yes, who was/were the prior owner(s)? Westvaco Texas, L.P.
5. When did the change(s) in ownership occur? 2/20/2003

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A Effective Date: 11/11/2004 ADMINORDER 2003-1394-AIR-E
 Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(5)

30 TAC Chapter 101, SubChapter F 101.211(b)(9)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to record the agency-established facility identification number and the authorized opacity limit on the final record of non-reportable unauthorized emissions from a start-up event that occurred on September 18, 2002 at the Number 4 Lime Kiln.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 20365/PSD-TX-785M6, SC 16 PERMIT

Description: Failed to limit opacity emissions to 20 percent averaged over a six-minute period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to record the agency-established facility identification number and the authorized opacity limit on the final record for a reportable emissions event that occurred on October 15, 2002 at the Number 4 Lime Kiln.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 16 PERMIT

Description: Failed to limit opacity emissions to 20 percent averaged over a six-minute period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 20365/PSD-TX-785M6, SC 9 PERMIT

Description: Failure to prevent unauthorized emissions from the Main Header Vent Valve and NOx emissions per MMBTU at the Nov. 5 Power Boiler on 3/7/03.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to control H2S emissions which resulted in a documented effect on human health.

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter B 112.31
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to limit H2S emissions exceeding a net ground level concentration of 0.08 parts per million (ppm) averaged over any 30-minute period when the downwind concentration affects residential, business or commercial properties.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	04/19/2002	(105605)
2	04/19/2002	(105604)
3	04/19/2002	(105603)
4	04/19/2002	(105602)
5	04/19/2002	(105601)
6	04/22/2002	(157087)
7	05/02/2002	(105606)
8	05/03/2002	(105610)
9	05/03/2002	(105609)
10	05/03/2002	(105608)
11	05/03/2002	(105607)
12	05/17/2002	(105611)
13	05/20/2002	(157091)
14	05/22/2002	(105616)
15	05/22/2002	(105615)
16	05/22/2002	(105614)

17	05/22/2002	(105613)
18	05/22/2002	(105612)
19	06/24/2002	(157095)
20	07/24/2002	(157099)
21	07/29/2002	(4838)
22	08/21/2002	(157103)
23	09/23/2002	(157106)
24	09/25/2002	(11071)
25	09/26/2002	(8383)
26	10/21/2002	(157109)
27	11/04/2002	(15085)
28	11/05/2002	(13734)
29	11/05/2002	(13753)
30	11/05/2002	(13737)
31	11/05/2002	(13736)
32	11/08/2002	(14887)
33	11/18/2002	(16036)
34	11/19/2002	(157113)
35	12/30/2002	(157117)
36	01/15/2003	(20430)
37	01/15/2003	(20425)
38	01/21/2003	(157121)
39	02/10/2003	(22107)
40	02/11/2003	(23580)
41	02/11/2003	(23624)
42	02/21/2003	(157080)
43	03/19/2003	(157083)
44	04/03/2003	(27030)
45	04/10/2003	(27946)
46	04/11/2003	(29094)
47	04/21/2003	(157088)
48	05/22/2003	(157092)
49	06/24/2003	(157096)
50	07/14/2003	(126948)
51	07/14/2003	(127392)
52	07/14/2003	(127651)
53	07/22/2003	(157100)
54	08/05/2003	(118952)
55	08/05/2003	(126947)
56	08/12/2003	(126724)
57	08/25/2003	(294943)
58	08/26/2003	(147348)
59	09/23/2003	(294945)
60	09/30/2003	(247772)
61	10/01/2003	(247782)
62	10/03/2003	(249519)
63	10/09/2003	(248782)
64	10/13/2003	(249106)
65	10/13/2003	(249334)
66	10/16/2003	(249522)
67	10/16/2003	(249621)
68	10/16/2003	(249518)
69	10/23/2003	(294948)
70	11/18/2003	(253597)
71	11/18/2003	(254000)
72	11/18/2003	(253487)
73	11/18/2003	(253355)
74	11/24/2003	(294949)
75	12/12/2003	(255683)
76	12/29/2003	(294950)
77	01/16/2004	(259839)
78	01/23/2004	(294951)
79	01/28/2004	(257511)
80	01/29/2004	(259840)
81	02/23/2004	(294932)
82	02/25/2004	(262700)
83	03/19/2004	(262709)
84	03/19/2004	(265691)
85	03/22/2004	(294934)
86	04/23/2004	(294935)
87	04/27/2004	(267568)
88	05/13/2004	(270770)
89	05/15/2004	(294937)
90	05/25/2004	(270955)
91	05/27/2004	(267999)

92	06/17/2004	(294939)
93	07/09/2004	(276988)
94	07/09/2004	(276990)
95	07/13/2004	(276986)
96	07/26/2004	(294941)
97	08/06/2004	(277181)
98	08/24/2004	(351919)
99	09/23/2004	(351920)
100	10/11/2004	(335837)
101	10/11/2004	(333408)
102	10/11/2004	(333439)
103	10/13/2004	(335835)
104	10/13/2004	(335979)
105	10/25/2004	(351921)
106	11/23/2004	(351922)
107	12/22/2004	(351923)
108	12/27/2004	(341810)
109	01/10/2005	(345339)
110	01/24/2005	(345665)
111	01/24/2005	(381759)
112	02/23/2005	(381757)
113	03/11/2005	(371227)
114	03/11/2005	(350514)
115	03/11/2005	(350505)
116	03/22/2005	(381758)
117	04/20/2005	(376154)
118	04/20/2005	(376158)
119	04/21/2005	(378622)
120	04/21/2005	(378632)
121	04/22/2005	(419590)
122	04/28/2005	(378584)
123	05/18/2005	(379418)
124	05/18/2005	(376617)
125	05/18/2005	(379409)
126	05/18/2005	(376715)
127	05/24/2005	(419591)
128	06/13/2005	(381204)
129	06/15/2005	(395982)
130	06/15/2005	(395966)
131	06/15/2005	(342459)
132	06/15/2005	(381152)
133	06/15/2005	(395973)
134	06/15/2005	(394292)
135	06/15/2005	(381153)
136	06/15/2005	(394293)
137	06/15/2005	(394294)
138	06/15/2005	(395936)
139	06/15/2005	(395947)
140	06/15/2005	(395951)
141	06/15/2005	(342457)
142	06/17/2005	(394297)
143	06/17/2005	(393969)
144	06/17/2005	(394295)
145	06/17/2005	(394296)
146	06/21/2005	(395427)
147	06/23/2005	(419592)
148	06/23/2005	(397162)
149	07/05/2005	(397716)
150	07/05/2005	(397736)
151	07/25/2005	(440734)
152	08/12/2005	(402342)
153	08/12/2005	(402345)
154	08/15/2005	(402024)
155	08/17/2005	(399634)
156	08/24/2005	(440735)
157	08/24/2005	(398730)
158	09/15/2005	(403165)
159	09/15/2005	(403774)
160	09/15/2005	(403393)
161	09/15/2005	(403804)
162	09/15/2005	(403618)
163	09/15/2005	(403702)
164	09/23/2005	(440736)
165	10/26/2005	(468254)
166	11/03/2005	(418550)

167	11/22/2005	(468255)
168	12/05/2005	(437743)
169	12/05/2005	(438079)
170	12/06/2005	(435671)
171	12/06/2005	(437346)
172	12/27/2005	(468256)
173	01/04/2006	(450543)
174	01/04/2006	(450467)
175	01/18/2006	(439026)
176	01/27/2006	(468257)
177	02/03/2006	(439517)
178	02/04/2006	(453265)
179	02/14/2006	(450339)
180	02/16/2006	(453241)
181	02/27/2006	(468252)
182	02/28/2006	(456430)
183	02/28/2006	(456602)
184	03/23/2006	(468253)
185	03/30/2006	(454571)
186	04/21/2006	(459827)
187	04/24/2006	(498079)
188	05/01/2006	(460671)
189	05/16/2006	(464771)
190	05/16/2006	(464292)
191	05/18/2006	(466627)
192	05/23/2006	(465947)
193	05/23/2006	(498080)
194	05/23/2006	(465935)
195	05/23/2006	(465925)
196	05/23/2006	(465551)
197	05/23/2006	(465915)
198	05/23/2006	(465952)
199	05/23/2006	(465942)
200	05/26/2006	(463390)
201	06/23/2006	(498081)
202	07/13/2006	(482789)
203	07/21/2006	(487163)
204	07/25/2006	(520098)
205	08/21/2006	(520099)
206	08/31/2006	(486412)
207	09/20/2006	(510753)
208	09/21/2006	(510852)
209	09/21/2006	(510804)
210	09/21/2006	(510819)
211	09/25/2006	(520100)
212	10/30/2006	(511390)
213	11/14/2006	(515716)
214	11/18/2006	(516871)
215	11/27/2006	(518903)
216	11/27/2006	(518926)
217	01/18/2007	(534675)
218	01/18/2007	(534677)
219	01/19/2007	(531117)
220	02/27/2007	(539678)
221	02/28/2007	(539506)
222	02/28/2007	(540610)
223	04/02/2007	(519048)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	02/28/2003	(157083)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/31/2003	(294943)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/31/2004	(351919)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	08/09/2004	(277181)		

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 112, SubChapter D 112.55 5C THC Chapter 382, SubChapter A 382.085(a)		
Description:	Failure to conduct quarterly TRS CEMS calibrations.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to submit the Relative Accuracy Test Audit to the Austin Engineering Services Team within 60 days of the test.		
Self Report?	NO	Classification:	Moderate
Citation:	5C THC Chapter 382, SubChapter A 382.085(a)		
Description:	Failure to comply with the emissions limits of permit 20365 during two emissions events which were preventable by the company.		
Date	12/01/2004		(345665)
Self Report?	NO	Classification:	Moderate
Rqmt Prov:	PERMIT OpR 11a		
Description:	Failure by Meadwestvaco to prevent unauthorized discharge of sludge to the ground.		
Date	01/31/2005		(381757)
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2005		(468255)
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/30/2006		(454571)
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 113, SubChapter C 113.100[G] 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(b)(1) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP O-01265 Special Condition 7		
Description:	Failure to submit quarterly performance test notification at least 60 days prior to conducting the test.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT BB 60.284(a)(2) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 20365 and PSD-TX-785M6 OP O-01265 Special Condition 10		
Description:	Failure to continuously monitor the TRS for the No. 1 Lime Kiln on October 3, 2005, and October 18, 2005.		
Date	06/30/2006		(520098)
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2006		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2006		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		

F. Environmental audits.

Notice of Intent Date: 01/07/2004 (263516)

No DOV Associated

Notice of Intent Date: 09/14/2006 (514610)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MEADWESTVACO TEXAS, L.P.
RN102157609

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0332-IWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding MeadWestvaco Texas, L.P. ("MeadWestvaco") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and MeadWestvaco appear before the Commission and together stipulate that:

1. MeadWestvaco owns and operates a pulp and paper mill located one mile south of Farm-to-Market Road 2246 and one mile southeast of the Town of Evadale, Jasper County, Texas (the "Facility").
2. MeadWestvaco has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and MeadWestvaco agree that the Commission has jurisdiction to enter this Agreed Order, and that MeadWestvaco is subject to the Commission's jurisdiction.
4. MeadWestvaco received notice of the violations alleged in Section II ("Allegations") on or about March 5, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by MeadWestvaco of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twelve Thousand Five Hundred Twenty-Five Dollars (\$12,525) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). MeadWestvaco has paid Five Thousand Ten Dollars (\$5,010) of the administrative penalty and Two Thousand Five Hundred Five Dollars (\$2,505) is deferred

contingent upon MeadWestvaco's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If MeadWestvaco fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require MeadWestvaco to pay all or part of the deferred penalty. Five Thousand Ten Dollars (\$5,010) shall be conditionally offset by MeadWestvaco's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and MeadWestvaco have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that MeadWestvaco has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, MeadWestvaco is alleged to have failed to comply with permit effluent limits, in violation of Permit No. WQ0000493000, Effluent Limitations and Monitoring Requirements, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on February 6, 2007, as indicated in the table below:

Effluent Violation Table

Month, Year	Outfall 002A Total Organic Carbon Daily Max 70 mg/L	Outfall 002A Oil & Grease Daily Max 15 mg/L	Outfall 001A Flow Daily Max 75
June 2006	384	130	C
October 2006	C	C	87.5
November 2006	106	C	C

III. DENIALS

MeadWestvaco generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that MeadWestvaco pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and MeadWestvaco's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: MeadWestvaco Texas, L.P., Docket No. 2007-0332-IWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. MeadWestvaco shall implement and complete a Supplement Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, above, Five Thousand Ten Dollars (\$5,010) of the assessed administrative penalty shall be offset with the condition that MeadWestvaco implement the SEP defined in Attachment A, incorporated herein by reference. MeadWestvaco's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that MeadWestvaco shall within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of Permit No. WQ0000493000. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon MeadWestvaco. MeadWestvaco is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If MeadWestvaco fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, MeadWestvaco's failure to comply is not a violation of this Agreed Order. MeadWestvaco shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. MeadWestvaco shall notify the Executive Director within seven days after MeadWestvaco becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by MeadWestvaco shall be made in writing to the Executive Director. Extensions are not effective until MeadWestvaco receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against MeadWestvaco in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to MeadWestvaco, or three days after the date on which the Commission mails notice of the Order to MeadWestvaco, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

9/7/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

6-4-2007
Date

James H. Gresham

Name (Printed or typed)
Authorized Representative of
MeadWestvaco Texas, L.P.

Mill Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2007-0332-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	MeadWestvaco Texas, L.P.
Payable Penalty Amount:	Ten Thousand Twenty Dollars (\$10,020)
SEP Amount:	Five Thousand Ten Dollars (\$5,010)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Wastewater Treatment Assistance
Location of SEP:	Jasper County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

